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VERIZON CORPORATE SERVICES GROUP INC.
C/O CHRISTIAN R. ANDERSEN
600 HIDDEN RIDGE DRIVE
MAILCODE HQE03H14
IRVING, TX 75038

EXAMINER	
BAYERL, RAYMOND J	

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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/362,014
Filing Date: July 27, 1999
Appellant(s): MEEKS ET AL.

Joel Wall
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 6 March 2006 appealing from the Office action mailed 28 May 2004.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is incorrect. A correct statement of the status of the claims is as follows:

In addition to the rejections under prior art listed in the Status of Claims, this appeal also involves the rejection of claims 9, 11, as being unpatentable under 35 USC 103, relying upon the combination of Katsurabayashi in view of Boss and Anderson.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is substantially correct. The changes are as follows:

The Grounds of Rejection to be Reviewed also includes the rejection of claims 9, 11 as being unpatentable under 35 USC 103 over Katsurabayashi in view of Boss and Anderson.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,308,199 B1	KATSURABAYASHI	10-2001
5,758,110	BOSS et al.	5-1998
5,907,324	LARSON et al.	5-1999
5,790,127	ANDERSON et al.	8-1998

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1 – 8, 10, 12 – 17, 42, 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katsurabayashi and Boss et al. ("Boss"; US #5,758,110).

As per independent claim 14, which is directed to "providing a window list", please note that Katsurabayashi's COOPERATIVE WORK SUPPORT SYSTEM FOR MANAGING A WINDOW DISPLAY, in using an application sharing system, allows a computer system to select windows to be displayed and windows to be hidden for each user (Abstract). This teaches "locating a window" and "obtaining information associated with" it. Katsurabayshi, as shown in fig 3, works with a management table in which information on whether to display or hide each window is set (col 8, lines 24 – 35).

Katsurabayashi therefore identically discloses "using at least one heuristic...to determine if the window should be added to the window list", when "heuristic" is reasonably interpreted to include a decision process via the adjustment of the management table.

Katsurabayashi does not **explicitly** disclose that the contents of the management table are presented as a "window list in a user interface", as in the amended claims.

However, Boss's APPLICATION SHARING IN A GRAPHIC USER INTERFACE is achieved when a host user designates an application to be shared (Abstract). Thus, it was known in the art at the time of applicant's invention to provide "user interface" access to APPLICATION SHARING information regarding windows.

It would therefore have been obvious to a person having ordinary skill in the art at the time of applicant's invention to allow user access to the Katsurabayashi management table data via Boss's user designation, because this provides a more precise level of control over the exact sharing that takes place.

As in claim 15's "adding the window to the window list", please note Katsurabayashi's ability to select windows to be displayed, these windows containing information items extending onto a plurality of application windows (col 3, lines 25 – 30)—in such a process, a sequence of windows is likewise added to the table.

Claim 16, in querying for "whether the window is already on the window list", is an extension to the "window list" management suggested by Katsurabayashi as noted above with respect to claim 14, and not **explicitly** shown in that reference.

However, in coordinating the application to be shared, Boss suggests that a call to an already-open window on the client device will result in that window accepting an "update". It would also have been obvious to the person having ordinary skill to use the concurrency provisions of Boss to modify the management table arrangement of Katsurabayashi windows, for this will ensure that the conferenced application is up to date and usable.

Independent claim 17 is similar to claim 14 in "providing a window list", with the additional limitation of "determining if the window should be added to the window list", and if so, "determining how at least a portion of the information should appear on the window list". However, this is also suggested by the control of Katsurabayashi when modified by Boss, where a user may select windows to be displayed.

Independent claim 1's "application sharing between a host user and at least one audience member" follows in the teaching of Katsurabayashi, in that "selecting the at least one audience member" reads upon selecting a window's display status for individual users at the controlling computer site.

Katsurabayashi does not **explicitly** enter into the claimed details of "automatically establishing a substantially real-timed shared viewing of the at least one document". However, as noted previously, Boss's APPLICATION SHARING IN A GRAPHIC USER INTERFACE is accomplished when a host user designates an application to be shared, thereby enabling a rectangular area on the display screen within which all shared applications are displayed (Abstract). In Boss, [a]nother user at

a remote location, referred to as the client user, shares control of the shared application (col 2, lines 32 – 38).

It would therefore have been obvious to a person having ordinary skill in the art at the time of applicant's invention to share an "application" opened upon a "document", as appears in Boss, in the user-designation environment of Katsurabayashi, this being motivated by Katsurabayashi's joint presentation of client regions among multiple systems, in which "real-timed shared viewing" would enable further productivity among group members.

Independent claim 2, which will "share the documents" with "audience members" in the plural, reads upon the Boss sharing among plural Katsurabayashi users.

When Boss designates an application to be shared, claim 3's "selecting a first single object" is suggested (see also claim 6). When enhanced as per Katsurabayashi, "audience members are selected" via the Boss GUI, as "a second single object" (claims 4, 5).

Independent claim 7 (see also independent claims 42, 43), which places the "real-time shared viewing" of claim 1 into the context of "a first" and "second computer system", also reads upon the Katsurabayashi/Boss combination, in which similar devices are employed. A "conferencing program" is specifically taught by the function of Boss's conferencing communication system (reference numerals 108, 201, fig 3).

The establishment of Boss's conferencing communication using the Katsurabayashi management table further reads upon independent claim 8's "application sharing" via an "interface program". Katsurabayashi maintains "an

application list", the control of which gives a Boss user "a share view menu" for the purpose of selecting whether to show or hide the window in which Boss presents views of "a file associated with the application program". By sharing a window in a collaborative session, given document files are thus opened in common.

The "participant list" of claim 10, as noted above, is characteristic of Katsurabayashi's management table contents. Via Window ID (fig 3), "window titles" (claim 12) and "document titles" (claim 13) may be provided, as they appear in the shared display of Katsurabayashi's fig 10.

Claims 26, 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katsurabayashi and Larson et al. ("Larson"; US #5,907,324).

Independent claim 26 (see also independent claim 28), in coordinating a "meeting configuration", reads generally upon Katsurabayashi, whose configuration similarly defines a shared workspace. Not **explicitly** shown in Katsurabayashi is the claimed ability for "selecting a name to save state of the application-sharing meeting configuration", whereby "an address for each participant" and "descriptors for each shared application" are added.

However, this is just what is done in Larson's SAVING AND ACCESSING DESKTOP CONFERENCE CHARACTERISTICS WITH A PERSISTENT CONFERENCE OBJECT. Larson's object is one by which conference parameters are monitored, updated and saved. These include details as to Participant, Document and Application (fig 4).

Thus, it would also have been obvious to the person having ordinary skill to use a coordinated saved representation of a "meeting" with the conference object of Larson, in conjunction with the management table of Katsurabayashi, reading upon the claim 26 invention, because this better preserves the structure of a collaborative work established by Katsurabayashi for later use.

Claims 30, 36 – 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katsurabayashi and Anderson et al. ("Anderson"; US #5,790,127).

Independent claim 30 reads upon Katsurabayashi, in that "a participant list" is adjusted, according to a maintained collection of items (e.g., the management table). Katsurabayashi does not **explicitly** enter into details of querying an "item" as to whether it is "currently in use", and "enabling use of the use item" if it is not.

However, Anderson, in SUPERVISING ACTIVATIONS STATES IN APPLICATION SHARING, specifically addresses the problem of activation of a shared application (Abstract). This activation is conducted by host 20 and guest 30 to share application 21, for example over network coupling 99 (fig 2; col 3, lines 3 – 22).

Thus, it would have been further obvious to the person having ordinary skill in the art at the time of applicant's invention to manage activation over a network as per Anderson, thus necessarily involving the protocol for remote "item" access as claimed, in the Katsurabayashi "participant list" setting, because this would readily enable the proper connection of the respective computing devices that need to share a window.

In achieving activation, the Anderson disclosure suggests "a call manager" as in independent claim 36. Anderson specifically refers, moreover, to a display of "status information regarding the connectivity": [a]pplication 21 having GUI 43 and caption 42 is running and is active. Caption 42 is painted the active color (fig 3A; col 3, lines 22 – 49).

The "real-time shared viewing of at least one document", as appears in claim 37, is suggested by Anderson's APPLICATION SHARING, as augmented by the "audience member" selection of Katsurabayashi, who must also manage "a name for each active participant" (claim 38). Claims 39 – 41 are rejected for reasons similar to the respective rejections of claims 36 – 38.

Claims 9, 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katsurabayashi and Boss and Anderson.

The recitation of "updating the status indicator responsive to connection status" in claim 9 (see also claim 11), in the "application sharing" of claim 8 that reads upon Katsurabayashi and Boss as outlined above, is suggested in the combination of the highly-analogous active window indication of Anderson.

It would finally have been obvious to incorporate the call management and connection state representation taught by Anderson in the Katsurabayashi/Boss "share view" setting, for this would assist the users involved in assessing the patency of the connections among the networked devices found in each disclosure.

(10) Response to Argument

At page 5 of the brief, applicant argues that "[n]othing in Katsurabayashi says anything about selecting a document or documents for sharing. In fact, Katsurabayashi plainly teaches, at most, determining which windows in an application that a user should see, rather than determining a selection of documents or files to be provided in a shared view". However, it remains that Katsurabayashi selects the visibility of **windows** (and not applications) for given users, and in referring to individual windows, the windows have every capability and expectation of being opened upon particular document instances. Thus, Katsurabayashi teaches the claimed "real-time shared viewing of the at least one document" (claim 1), when its window is designated for visibility.

Appellant next argues (pages 5, 6) that "even if Katsurabayashi did teach sharing selected documents and files, it is clear that any such selection would occur *after* a connection between the host and a client or clients had been established", while the claims "recite selecting a file or document and *then* establishing a shared viewing thereof". However, the "method" continues to be rendered obvious because Katsurabayashi and Boss suggest the user's "selecting", as is used to drive a "real-time shared viewing" (claim 1 quoted again), whether there had been connections of a more general nature made or not.

As regards the combination of Katsurabayashi and Boss, appellant argues (pages 6, 7) that "the Examiner stated no motivation to combine Katsurabayashi and Boss to meet the recited limitation, and failed to state a *prima facie* case of obviousness for this reason alone". However, this ignores the Examiner's attempts (as in the

reiteration of the rejection above) to point out the usefulness that a selection mechanism for shared viewing as seen in Boss will supply to the window list arrangement of Katsurabayashi, in facilitating more productive collaborations.

More particularly to the point of the applicability of the Katsurabayashi/Boss combination, appellant argues (page 7) that "neither Katsurabayashi nor Boss teaches anything resembling the recited participant list associated with the share view menu". However, when Boss is applied to Katsurabayashi, and the functions related to window management are made more directly controllable by a designating Boss user, the result is that some form of listing will have to appear, as regards the visibility assigned to windows from Katsurabayashi, this reading upon claim 10's "participant list associated with the share view menu".

Concerning claim 14, with its "displaying the window list in a user interface", appellant argues (page 8) that "Boss does not in fact teach *displaying* a window list. At most, Boss teaches maintaining a window list for keeping track of application windows shared between Boss' host user and client user." However, the emphasis in Boss is upon the control that the host user has over the sharing of the application. This suggests that a form of list become available to that host user. When extended to the multiple user environment of Katsurabayashi, such a user will have a "window list" as per the claim, and one that must be managed according to "at least one heuristic".

Regarding claims 42, 43, appellant argues (page 9) in a manner similar to the argument presented with respect to claim 1; that "[n]othing in Katsurabayashi says anything about selecting windows or objects for sharing, much less for sharing with

particular recipients". However, the window management of Katsurabayashi is specifically provided for the purpose of shared views upon a window, by designating which users can see the window. In combination with Boss, this allows a host user to designate just what should be shared, and that the viewing session should be initiated upon a window, which then can be open upon an application instance that displays a document or other such file object. The shared viewing opens subsequent to the Boss host user setting the parameters for the sharing, even if connections of a basic sort had already been made.

In responding to the rejection based upon Katsurabayashi and Larson, appellant opens by arguing (page 10) that "the Office Action does not appear to suggest that motivation to combine Katsurabayashi and Larson is found in the prior art of record". However, a review of the two references will directly show that each is from the art relating to collaborative viewing of file content, and the motivation follows from such references that the use of a "name to save state" as suggested by Larson will have immediate usefulness in Katsurabayashi, where an organization of shared windows is created, whose operation would be better controlled.

Subsequent to the questioning of the Examiner's motivation to combine, appellant then argues (pages 10, 11) that "Katsurabayashi and Larson are not in fact capable of combination", since the first "teaches a system for sharing a computer application" and the second "teaches a system for storing parameters relating to a video conference". However, the concept of naming and specifically saving a collaborative viewing session's parameters is indeed suggested, when Larson's naming of a joint

work is seen in the context of a Katsurabayashi window arrangement, whose saved particulars would then be available for further use.

Regarding claim 30, appellant argues (pages 11, 12) that "nothing in Katsurabayashi remotely teaches or suggests the recited use item, and Katsurabayashi's management table certainly does not contain use items." However, this is the reason that the rejection also relies upon Anderson, whose management of session activation is such that the called-for use of a "use item" is suggested, so as to obtain the proper membership for a Katsurabayashi shared session. Applicant cannot attack references one at a time in this manner.

At page 12, appellant then addresses Anderson, arguing that "[a]t a minimum, Anderson clearly fails to teach the recited menu item, much less setting a use item equal to a menu item". However, Anderson remains valid, for teaching that the various components of a collaborative work should be managed as to their availability. This necessarily involves the "determining" and "setting" steps of claim 30, in which querying merely takes place as to the state of a particular connection (the "use item"), with it becoming established at "an address of the use item" if it "is not in use". This is to counter appellant's argument (page 13) that "Anderson is directed toward exchanging messages over a network in order to activate application sharing...but teaches nothing about how network addresses are selected for application sharing". When Anderson permits the sharing of applications, there has to be an internal accounting for of network addresses, and the need to have connections properly in place.

At pages 13, 14, appellant argues that "sharing applications as taught in Anderson is different from managing a call with multiple participants as recited in claim 36". However, it remains that the management in Anderson is of connection status, and thus, "'the status information including the current number of participants'" must be maintained. The combination with Katsurabayashi continues to render obvious the "application sharing" via "a plurality of communication devices" that is claimed.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Raymond J. Bayerl

Primary Examiner, Art Unit 2173

24 April 2006

Conferees:

Kristine Kincaid
for John W. Cabeca

Supervisory Patent Examiner

Art Unit 2173

Kristine Kincaid

Supervisory Patent Examiner

Art Unit 2174

Kristine Kincaid
KRISTINE KINCAID
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100